

MEMORANDUM

Department of Budget and Finance

To: Robert Rawls, Interim Town Administrator

From: Chris Wallace, Director of Budget and Finance

Date: April 15, 1999

Subject: Roadway Assessment

Attached are proposed Resolutions with regard to the Town of Davie roadway assessment. Below is a short summary of the requests made by the parcel owners.

Parcel owner : Michael Danielle
Parcel 19, Folio No. 0125-01-008-7

Request: The parcel owner requests a waiver of accrued interest and payment of the roadway assessment in 60 consecutive monthly payments.

The parcel owner was a party Plaintiff in the litigation pending in Broward County Circuit Court as Case No. 93-12985 CACE (02), styled Ralph Sessa, et al., Plaintiffs v. Town of Davie, etc., Defendant. On or about November 6, 1995, the appointed hearing officer, Michele Kane Cummings, Esq., entered a Final Disposition, finding that Parcels 19 and 20 specially benefited from the special assessment work and requiring that the parcel owner pay the assessment amount within 20 days from the date of the Final Disposition or in 60 consecutive monthly payments. The Town records indicate that the parcel owner did not pay any of the assessment amount due pursuant to the Final Disposition.

Therefore, the accompanying resolution denies the request for waiver of accrued interest on Parcel 19 but does authorize payments to be made in 60 consecutive monthly payments at a rate of 8% simple interest with no prepayment penalty. The proposed Resolution recommends an adjustment of the special road and drainage assessment on Parcel 20 and recommends a grant of the waiver of accrued interest and the request for monthly payments.

If you have any questions or need additional information about this resolution, please give me a call.

RESOLUTION NO. R-99-

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
DENYING WAIVER OF ACCRUED INTEREST; AUTHORIZING
MONTHLY PAYMENTS OF THE SPECIAL ROAD AND
DRAINAGE ASSESSMENT LIEN ON PARCEL 19; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town imposed a Special Assessment for road and drainage improvements by Resolution R-91-65; and

WHEREAS, as part of the assessment, Parcel 19, Folio No. 0125-01-008-7 was assessed the sum of \$3,843.36; and

WHEREAS, interest on the amount due and claimed by the Town on Parcel 19 is \$2,291.75, up to and including April 21, 1999 (per diem \$1.34); and

WHEREAS, the parcel owner, Michael Danielle, was a party Plaintiff in the litigation pending in Broward County Circuit Court as Case No. 93-12985 (02), styled Ralph Sessa, et al, Plaintiffs vs. Town of Davie, etc., Defendant; and

WHEREAS, the appointed hearing officer, Michele Kane Cummings, entered a Final Disposition by Default finding that Parcels 19 and 20 specially benefited from the special assessment work and finding that the special road and drainage assessment lien on the parcels to be \$7,686.32 (\$3,843.36 - Parcel 19 and \$3843.36 - Parcel 20); and

WHEREAS, the parcel owner, Michael Danielle, failed to comply with payment of the special assessment on Parcels 19 and 20 pursuant to the terms of the Final Disposition Order; and

WHEREAS, the parcel owner does not contest the assessment on said parcel; and

WHEREAS, the parcel owner requests that the Town of Davie waive any and all accrued interest on the assessment of said parcel; and

WHEREAS, parcel owner also requests to pay the assessment due on Parcel 19 in 60 consecutive monthly payments at a rate of 8% simple interest with no prepayment penalty; and

WHEREAS, the Town is entitled to the full amount of the accrued interest on the special road and drainage assessment lien upon Parcel 19, Folio No. 0125-01-008-7.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That Michael Danielle is authorized to pay the special assessment amount due on Parcel 19 in 60 consecutive monthly payments at a rate of 8% simple interest with no prepayment penalty commencing May 1, 1999.

SECTION 2. That Michael Danielle owes to the Town of Davie the special assessment amount of \$3,843.36 plus accrued interest on Parcel 19, Folio No. 0125-01-008-7.

SECTION 3. That upon payment to the Town of Davie of the sums referred to in Section 2 above in cleared funds, the special assessment lien on Parcel 19, Folio No. 0125-01-008-7, shall be deemed satisfied.

SECTION 4. That in the event the parcel owner fails to comply with the payment schedule in Section 1, the Town of Davie is authorized to pursue any and all available legal remedies to collect the amounts due in Section 2 above, plus any and all accrued interest, less any payment made.

SECTION 5. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 1999.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 1999.